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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/713,844	11/14/2003	Steve Goeller	GOELLER-PA-1	2781

7590 09/28/2004

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EXAMINER

KING, ANITA M

ART UNIT	PAPER NUMBER
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3632

DATE MAILED: 09/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/713,844

Applicant(s)

GOELLER, STEVE

Examiner

Anita M. King

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6, 7, 12-17 and 19 is/are rejected.
- 7) ☒ Claim(s) 5, 8-11 and 18 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

This is the first office action for application number 10/713,844, Strap-on Multi-Functional Apparatus with Integral Supports and Work Surface for Use During Fishing, Boating, Camping, etc., filed on November 14, 2003.

Information Disclosure Statement

The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609 A(1) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

Specification

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4, 6, 12, 13, 15, and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 4,271,624 to Peluso. Peluso discloses a multi-functional fishing accessory comprising: a work surface (12), the work surface comprising a flat plate member; one or more support tubes (16); one or more support panels (50) attached to the plate member for maintaining the plate member in a horizontal position; a plurality of straps (30) for detachably attaching the work surface, the one or more support tubes, and the one or more support panels to a member; wherein the work surface further comprises two side wall members (14) fixedly attached to the plate member and a back wall member (14) fixedly attached to the plate member and the side wall members; wherein an edge of each of the two side wall members is angled (see Fig. 3); wherein the work surface further comprises a plurality of drainage openings (23); wherein the plate member, the two side wall members, and the back wall member is fabricated of a rigid, plastic resin (Col. 3, line 65ff); wherein each of the one or more support panels is hingedly attached to the plate member (Fig. 3); wherein the plurality of straps comprises a buckle defining a first end, and a second end configured for insertion into the buckle, whereby the strap is adjusted in length to detachably attach the multi-functional fishing accessory to the member.

In regards to claim 19, Peluso discloses a multi-functional fishing accessory comprising: a work surface, the work surface comprising a flat plate member; one or more support tubes; means for maintaining the plate member in a horizontal position; and a means for detachably attaching the work surface and the one or more support tubes to a member.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 7, 14, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Peluso. Peluso discloses the claimed invention except for the limitation of the rigid plastic resin a propylene polymer or PVC and the straps being fabricated from nylon. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the material of the plastic in Peluso to have been a propylene polymer or PVC and to modified the straps to have been fabricated from nylon for the purpose of providing an alternative, mechanically equivalent material for each element based on the suitability of the materials intended use and since such a modification would not have produce any unexpected results.

Allowable Subject Matter

Claims 5, 8-11, 17, and 18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent 3,638,843 to Ortynski

U.S. Patent 4,587,757 to Lirette

U.S. Patent 4,794,670 to Savastano, Jr.

U.S. Patent 5,159,777 to Gonzalez

U.S. Patent 6,581,891 to Byrd

U.S. Patent 5,474,494 to Sims

U.S. Patent 5,609,521 to Allred et al.

U.S. Patent 6,014,833 to Benavidez

U.S. Patent 6,170,189 to Klein

Ortynski discloses a carrier for holding lures and flies having a box divided into compartments. Lirette discloses a fishing device. Savastano, Jr. discloses a platform fish chunk-cutting combination having a platform. Gonzalez discloses a fishing cart apparatus. Byrd discloses an apparatus for supporting birdhouses having a plurality of straps attached to a platform. Sims discloses a fish cleaning apparatus. Allred et al.

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disclose a bait cutting board. Benavidez discloses a floating fisherman's accessory.

Klein discloses a sporting apparatus suited for fishing and hunting.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anita M. King whose telephone number is (703) 308-2162. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leslie A. Braun can be reached on (703) 308-2156. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Anita M. King
Primary Examiner
Art Unit 3632

September 26, 2004